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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 PATRICK SPURLOCK,

9 Plaintiff,

10 v.

11 IAN A. NORTHRIP et al.,

12 Defendants.


No. 09-5422RBL/JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

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14 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.  
15 Richard Creatura, objections to the Report and Recommendation, [Dkt. #15], and the remaining  
16 record, does hereby find and ORDER:

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18 (1) The Court adopts the Report and Recommendation;  
19  
20 (2) Defendant Northrip is DISMISSED WITH PREJUDICE. A Defense  
21 Attorney does not act under color of state law. The remaining claims are  
22 DISMISSED WITHOUT PREJUDICE as plaintiff must receive relief by  
23 way of Habeas Corpus prior to the claims accruing;  
24  
25 (3) All pending motions are DISMISSED as MOOT.  
26  
27 (4) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J.  
Richard Creatura.

28 DATED this 25th day of September, 2009.

  
Ronald B. Leighton

United States District Judge